

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

JESSICA JONES, et al.,

Plaintiffs,

v.

VARSITY BRANDS, LLC, et al.

Defendants.

Case No. 2:20-cv-02892-SHL-tmp

JURY DEMAND

**DECLARATION OF KEVIN RAYHILL IN SUPPORT OF PLAINTIFFS' MOTION TO
COMPEL 30(b)(6) DEPOSITION TESTIMONY FROM DEFENDANTS
CHARLESBANK CAPITAL PARTNERS LLC AND BAIN CAPITAL PRIVATE
EQUITY**

I, Kevin Rayhill, declare the following under penalty of perjury:

1. I am an associate at the Joseph Saveri Law Firm, LLP ("JSLF"), counsel for Plaintiffs Jessica Jones and Christina Lorenzen ("Plaintiffs") in *Jones, et al. v. Bain Capital Private Equity, at el.*, case no. 2:20-cv-02892-SHL-tmp. I am a member in good standing of the State Bar of California and have been admitted *pro hac vice* in this Court. I am over 18 years of age and have personal knowledge of the facts stated in this Declaration. If called as a witness, I could and would testify competently.

2. I have been personally involved in the discovery in this case and have taken many of the depositions.

3. Attached as **Exhibit A** is a true and correct copy of a letter dated March 17, 2022, from Steven Kaiser, counsel for Charlesbank Capital Partners LLC ("Charlesbank") and Bain Capital Private Equity ("Bain"), addressed to myself and other attorneys at JSLF. Mr. Kaiser

wrote, “Although Bain and Charlesbank do not object to providing witnesses on appropriate topics under Rule 30(b)(6), they will not do so on the topics as written. We will provide further details on the objections in the near future.” Mr. Kaiser never provided any further details.

4. Attached as **Exhibit B** is a true and correct copy of an email chain between counsel at JSLF and Mr. Kaiser from February 18, 2022 to May 4, 2022.

5. On April 28, 2022, Plaintiffs and Defendants’ counsel discussed the issues by telephone. Defendants’ counsel took the position that the Court’s April 11, 2022 Order, ECF No. 261, denied Plaintiffs’ request for 30(b)(6) testimony.

6. On May 6, 2022, David Seidel, counsel at JSLF, spoke to Mr. Kaiser by phone to discuss our proposal for a limited set of 30(b)(6) topics. David Seidel reported to me that that the parties did not reach an agreement. *See* accompanying declaration of D. Seidel.

7. Attached as **Exhibit C** is a true and correct copy of an email chain between counsel at JSLF and Mr. Kaiser from May 11, 2022 to May 19, 2022.

8. Attached as **Exhibit D** is a true and correct copy of an email dated March 11, 2022, from JSLF paralegal Ruby Ponce to Mr. Kaiser and other Defendants’ counsel attaching 30(b)(6) deposition notices for Charlesbank and Bain. Exhibit D also includes the deposition notices to Charlesbank and Bain that were attached to the email.

9. Attached as **Exhibit E** is a true and correct copy of excerpts of the Deposition of David White dated April 29, 2022.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Executed May 19, 2022 in San Francisco, California.

/s/ Kevin Rayhill
Kevin Rayhill